



**STATE OF WASHINGTON  
DEPARTMENT OF LICENSING  
WASHINGTON STATE  
COLLECTION AGENCY BOARD  
REGULAR BOARD MEETING MINUTES**

**DATE:** Thursday, March 23, 2023  
**TIME:** 10:00 AM  
**LOCATION:** Remote via Teams

**BOARD MEMBERS:** **Fred Wade**, Chair  
**Scott Kinkley**, Board Member  
**Mark Case**, Board Member  
**Mari Neubauer**, Board Member  
**Dirk Bunker**, Board Member

**STAFF MEMBERS:** **Sydney Muhle**, Program Specialist  
**Susan Nieves**, Program Specialist  
**Grace Hamilton**, Investigator

**1. Call to Order**

Chair Fred Wade called the meeting to order at **10:01 AM**.

**2. Roll Call**

Program Specialist Susan Nieves conducted roll call. All Board members were present, except for Dirk Bunker who was absent.

**3. Approval of Agenda**

Board Member Mark Case made a **MOTION** to approve the agenda as presented. Board Member Scott Kinkley **SECONDED** the motion, and it was **APPROVED** by a vote of 5-0.

**4. Approval of Minutes**

**4.1. The Special Meeting Minutes of September 15, 2022**

Board Member Case made a **MOTION** to approve the minutes as presented. Board Member Kinkley **SECONDED** the motion, and it was **APPROVED** by a vote of 5-0.

**5. Old Business**

**5.1. 2022 NACARA Annual Meeting Report**

*Board Member Case and Investigator Grace Hamilton will give a report on last year's NACARA Annual Meeting.*

Board Member Case provided a report-out on the North American Collection Agency Regulatory Association (NACARA) annual meeting which covered topics including the importance of regulators to the industry; a Federal Trade Commission (FTC) presentation on their categories for consumer complaints

and the Gramm Leach Bliley Act; a Secret Service presentation on fraudulent activities in the crypto industry; a discussion about the preference of regulators to establish a National Multiple Listing Service (NMLS) that is opposed by agencies; a discussion about required disclosures on a model validation notice under Regulation F; and a discussion about Article 3 issues, specifically the Spokeo, Inc. v. Robins decision. There was a presentation from the Consumer Financial Protection Bureau (CFPB) noting that consumer debt levels are rising; Fair Debt Collection Practices Act cases are down, though this may be due to those cases moving to state courts where it is harder to track; Telephone Consumer Protection Act cases have and are continuing to decline significantly; and Fair Credit Reporting Act cases are continuing to increase.

There was also a discussion about medical debts totaling \$88 billion annually impacting 43 million Americans; the CFPB's priorities are focusing enforcement on repeat offenders and other major market actors, enhanced transparency through guidance, and listening to and learning from the business community; CFPB updating their exam procedures as a result of Regulation F; and post-pandemic trends showing consolidation within the industry.

Board Member Case said he will send his notes from the conference to the rest of the Board.

Investigator Grace Hamilton said the 2023 meeting will be September 18th to 20th in Denver, Colorado. The primary attendee from the Board will be expected to participate on a panel discussing the work from home rule change.

Ms. Hamilton said Nashville was the first in-person NACARA meeting since the pandemic, and it was a success.

## **6. New Business**

### **6.1. Election of Officers**

*The Board will elect a Vice Chair for the upcoming year.*

Chair Wade opened the floor for nominations for 2023 Vice Chair.

Ms. Muhle explained the Vice Chair's responsibilities and expectations.

Board Member Mari Neubauer made a **MOTION** to nominate Board Member Kinkley. Board Member Case **SECONDED** the motion, and it was approved by a vote of 4-0.

Scott Kinkley was elected as the new Vice Chair.

### **6.2. 2023 NACARA Annual Meeting**

*The Board will discuss member attendance at the 2023 NACARA Annual Meeting*

The Board decided Board Member Kinkley will be the primary attendee for the NACARA Annual Meeting and Board Member Case will be the alternate.

### **6.3. Department of Licensing's (DOL) Process to Review Consumer Complaints**

*A Board Member has requested an item to discuss the DOL process for reviewing consumer complaints with case managers.*

Ms. Muhle outlined three scenarios summarizing how complaints are assigned to case managers for review, and how cases are processed and closed under each scenario. She detailed possible recommendations case managers may make when closing cases including "close without action," "close with a letter of education," and "recommend sanctions."

Ms. Muhle detailed how case managers are chosen for incoming cases, including consideration of workload, conflicts of interest, and areas of expertise. She provided data on the current caseload of Board Members.

Board Member Kinkley shared that a member of the public voiced concerns to him about how conflicts of interest are screened in the process of assigning complaints to Board Members. Ms. Hamilton said staff makes efforts to avoid conflicts of interest and looks at geographics in relation to potential conflicts. She added that if a Board Member has a conflict of interest, to let staff know so the case can be reassigned.

Ms. Hamilton let Board Members know they can reach out to staff if they have any questions about the letter of education as it is a new process.

## **7. Reports**

### **7.1. Committee/Task Force Reports**

### **7.2. CIAU Reports**

#### **7.2.1. Administrative Closures Report**

Ms. Muhle reviewed the administrative closures report.

#### **7.2.2. Complaint Status Report**

Ms. Muhle reviewed complaint status report.

### **7.3. LCSS Reports**

#### **7.3.1. Licensee Count Report**

Ms. Muhle reviewed the licensee count report.

### **7.4. BOSS Reports**

#### **7.4.1. Action Item List Review**

Ms. Nieves reviewed the current master action item list with the Board.

Ms. Muhle added that meetings will be scheduled over the next month and that work on the charter committee was paused as staff consolidated charters for all nine boards that DOL supports, for consistency. She added that staff will be requesting some slight changes from the Delegation committee.

#### **7.4.2. Staff Update**

Ms. Muhle provided an overview of the changes made to the programs in the agency due to a functional alignment within the Business and Professions Division within the Department of Licensing (DOL).. She also shared an organizational chart of the Board & Outreach Support Services unit.

#### **7.4.3. Board Executive's Report**

There was nothing additional to report.

### **7.5. Other Reports**

#### **7.5.1. Board Training**

Ms. Muhle provided training on the Open Public Meetings Act (OPMA), Parliamentary Procedures, Ethics in Public Service, and Public Disclosure.

### **8. Public Comments**

Larry Kasoff addressed the Board and said there seems to be an explosion of out-of-state collection agencies that are continuing to pick up clients, and it appears to be at an epidemic level. When the city of Seattle's Municipal Court is hiring an out-of-state collection agency to do the actions in the courthouse, it is a problem. They're not going to get prosecuted for their crime of exceeding their license and it really is just problematic.

### **9. Conclusion**

#### **9.1. Announcements**

Board Member Neubauer let the Board know she is resigning from her position. She thanked the Board for the opportunity to serve and said it has been a wonderful experience. Chair Wade thanked her for her service.

#### **9.2. Requests for Future Agenda Items**

No new agenda items were added during this meeting.

#### **9.3. Review of Action Items and Items for Next Meeting**

Ms. Nieves shared the ongoing and new action items from this meeting:

- Ms. Nieves to schedule committee meetings
- Ms. Nieves to arrange Scott Kinkley's travel for the September NACARA conference.

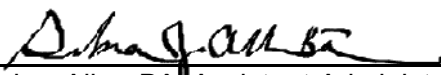
### **10. Adjournment 11:15**

Chair Wade adjourned the meeting at **11:15 AM**.


#### **Next Board Meeting:**

September 28, 2023 at 10:00 AM

Virtual via Teams

Submitted by:   
Debra Allen-Bâ, Assistant Administrator

September 28, 2023  
Date

Approved by:   
Frederick Wade, Chair

September 28, 2023  
Date